IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

OP.No. 5289 of 2003(D)

PETITIONER:

SRI.P.JINARAJ S/O. PADMARAJAGOUDAR,
THONDIPILLI ESTATE, MUTTIL P.O., VYTHRI TALUK,
WAYANADU DISTRICT

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENTS:
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1. THE DISTRICT COLLECTOR, WAYANADU.

2. THE REVENUE DIVISIONAL OFFICER,
MANANTHAVADI.

3. THE TAHSILDAR, VYTHIRI TALUK,
WAYANADU

4. THE VILLAGE OFFICER, MUTTIL NORTH,
WAYANADU.

BY ADV. SRI. K.R. DEEPA, GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P NO. 9307/2003 IN O.P. NO. 5289/2003

DISMISSED

21.06.2007 SD/- KURIAN JOSEPH, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE DUPLICATE FOR RENEWAL OF LICENCE DATED 04.12.1997 ISSUED FOR COFFEE CULTIVATION.

EXT.P2: TRUE COPY OF THE ASSESSMENT ORDER NO. B5.2882/73-74(PT) DATED 17.03.82 ISSUED TO THE PETITIONER FOR ASSESSMENT OF PLANTATION TAXES.

EXT.P3: TRUE COPY OF RECEIPT ISSUED BY THE THIRD RESPONDENT FOR PAYMENT OF LAND TAXES.

EXT.P4: TRUE COPY OF THE ORDER NO. F.1.12517/93 ISSUED BY THE THIRD RESPONDENT DATED 04.06.96.

EXT.P5: TRUE COPY OF THE ORDER NO. H.4391/96 DATED 30.11.98 PRONOUNCED BY THE SECOND RESPONDENT ON THE APPEAL PREFERRED BY THE PETITIONER.

EXT.P6: TRUE COPY OF THE ORDER NO. B3.24727/99 DATED 29.02.2000 PASSED BY THE FIRST RESPONDENT ON THE REVISION PETITION FILED BY THE PETITIONER.

EXT.P7: TRUE COPY OF THE PROCEEDINGS NO. B3.37168/2000 DATED 15.04.2002 ISSUED BY THE THIRD RESPONDENT AGAIN IMPOSING THE PENALTY AFTER RE-CONSIDERATION.

EXT.P8: TRUE COPY OF THE LETTER NO. B3/23619/02 DATED 01.01.2003 ISSUED BY THE FIRST RESPONDENT REJECTING THE REVIEW APPLICATION FILED BY THE PETITIONER.

EXT. P9: TRUE COPY OF THE R.R. NOTICE NO. CR/301/2002 DATED 19.08.2002 ISSUED BY THE FOURTH RESPONDENT ON 19.08.2002.

EXT.P10: TRUE COPY OF THE R.R. NOTIC NO. CR/301/2002 DATED 19.08.2002 ISSUED BY THE FOURTH RESPONDENT ON 19.08.2002.

EXT.P10: TRUE COPY OF THE CERTIFICATE NO. K. DIS.A3-8950/2000 DATED 09.08.2000 ISSUED BY THE THIRD RESPONDENT EVIDENCING THAT THE PETITIONER HAD PAID THE ASSIGNMENT VALUE FOR LAND IN SY. NO. 1044/2 OF MUTTIL VILLAGE.

EXT.P11: TRUE COPY OF THE POSTAL COVER IN WHICH THE ORDER OF EXTENSION OF TIME WAS FORWARDED TO THE PETITIONER BY HIS COUNSEL.

KURIAN JOSEPH , J

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O.P. NO. 5289 OF 2003

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Dated this the 21st day of June, 2007.

JUDGMENT

The petitioner is aggrieved by the proceedings initiated against him under the provisions of the Land Conservancy Act for realising the cost of timber cut and removed from the property. The learned Government Pleader submits that the petitioner has violated the provisions of the Land Conservancy Act and he had also not obtained permission for cutting and removing the trees. It is further submitted that though the petitioner was given several chances, he did not produce any documents to prove his title. It is the contention of the petitioner that it is a patta land in absolute ownership, possession and enjoyment ever since 1942 as can be seen from the Exts.P3 and P10. These are the documents the petitioners should have produced before the 3rd respondent or 1st respondent. There will be a direction to the 2nd respondent to refer to the number of patta as stated in Ext.P3 as also in Ext.P10 and pass fresh orders in the matter after making proper enquiry regarding the patta issued to the petitioner. The contentions taken by the petitioner otherwise on merits shall also be considered. In order to enable the 2nd respondent to pass orders as above, the impugned orders passed by the 2nd and 1st respondent are quashed. The orders as above with notice to the parties shall be passed within a period of four months.

KURIAN JOSEPH, JUDGE.

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